

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

CENTRIFUGAL FORCE, INC. doing business  
as WISE CHOICE SOFTWARE,

Plaintiff,

v.

SOFTNET COMMUNICATION, INC., ISM  
SOFTWARE, MICHAEL MARDKHA  
individually, BENY SOFER, INC., and BENY  
SOFER individually,

Defendants.

Case No.: 08-CV-5463 (CM)

Hon. Colleen McMahon, U.S.D.J.

**PLAINTIFF'S AFFIDAVIT FOR ENTRY OF DEFAULT  
AGAINST DEFENDANTS  
SOFTNET COMMUNICATION, INC., ISM SOFTWARE AND MICHAEL MARDKHA**

State of New York                    )  
  )       ss:  
County of New York                )

STEVEN MANCINELLI hereby deposes and says:

1. I am a member of the firm Codispoti & Mancinelli, LLP, attorneys for Plaintiff CENTRIFUGAL FORCE, INC. doing business as WISE CHOICE SOFTWARE and I make this Affidavit in support of Plaintiff's Request to the Clerk of the Court, pursuant to FRCP 55(a), to enter a certificate of default against Defendants SOFTNET COMMUNICATION, INC., ISM SOFTWARE and MICHAEL MARDKHA.

2. This action was commenced on June 17, 2008. Said identified Defendants were served with the Summons and Complaint on June 26, 2008.

3. Defendant SOFTNET COMMUNICATIONS, INC. is a corporation organized and existing under the laws of the State of New York, being incorporated in April 1985, with its principal offices located at 144 West 27<sup>th</sup> Street, Unit 8R, New York NY 10036.

4. Upon information and belief, Defendant ISM SOFTWARE is an unincorporated business enterprise operating within the same offices as defendant Softnet and defendant MICHAEL MARDKHA at 144 West 27<sup>th</sup> Street, Unit 8R, New York NY 10036.

5. Upon information and belief, Defendant MICHAEL MARDKHA is not a minor or an incompetent person.

6. Defendant MICHAEL MARDKHA is not currently in military service.

7. The undersigned affiant was contacted by Amy Benjamin, Esq. of the law firm of Darby & Darby, PC. on June 25, 2008, who advised that said law firm would be representing Defendants SOFTNET COMMUNICATION, INC., ISM SOFTWARE and MICHAEL MARDKHA and was authorized to accept service of the Summons and Complaint on behalf of said Defendants who were served on June 26, 2008 by delivering copies of the Summons and Complaint to Annette McGuire of Darby & Darby, PC at the offices of said law firm.

8. Since said Defendants were served with the Summons and Complaint they have not taken any action known to this Declarant or filed any document to indicate their intention to defend this action.

9. Said Defendants have not filed their answer, appeared or otherwise moved with respect to the Complaint.

10. Said Defendants' time to answer, appear or otherwise move with respect the Complaint expired on July 16, 2008 and more than 30 days have elapsed since Defendants were served with the Summons and Complaint.

11. Accordingly, the undersigned requests that the Clerk of the Court enter a Certificate of Default against Defendants SOFTNET COMMUNICATION, INC., ISM SOFTWARE and MICHAEL MARDKHA.

12. A proposed' Clerk's certificate is annexed hereto.

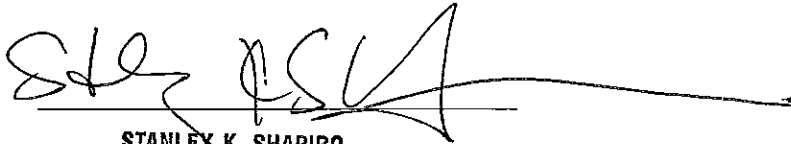
Dated: New York, New York  
July 28, 2008



Steven Mancinelli (SM-0208)  
Codispoti & Mancinelli, LLP  
111 John Street, Suite 800  
New York, NY 10038  
Phone: 212-962-6525

Sworn to before me

this 28<sup>th</sup> day of July, 2008



STANLEY K. SHAPIRO  
Notary Public, State of New York  
No. 31-A907106  
Qualified in New York County  
Commission Expires November 6, 2009

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**CLERK'S CERTIFICATE**

I, J. MICHAEL MCMAHON, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action commenced on June 17, 2008, with the filing of a summons and complaint, a copy of the summons and complaint was served on defendants SOFTNET COMMUNICATION, INC., ISM SOFTWARE, and MICHAEL MARDKHA on June 26, 2008, by serving Annette McGuire at the law firm of Darby & Darby, PC, who agreed, by partner Amy Benjamin, Esq. to accept service of process on behalf of said identified Defendants, and proof of such service thereof was filed on July 3, 2008.

I further certify that the docket entries indicate that said defendants have not filed an answer or otherwise moved with respect to the complaint herein. The default of said defendants is hereby noted.

Dated: New York, New York

**J. MICHAEL McMAHON**  
Clerk of the Court

By: \_\_\_\_\_  
Deputy Clerk